

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JIMMIE CALVIN ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	1:23-cv-1049
)	
SURRY COUNTY SHERIFF'S)	
OFFICE, and BRIAN COCKERHAM)	
Maintenance,)	
)	
Defendants.)	

ORDER

On December 13, 2023, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed, and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3, 4.) No objections were filed within the time prescribed by Section 636. However, Plaintiff filed a letter informing the court he would like to refile this matter at a later date, (Doc. 7), which this court construes as a request for dismissal of this action without prejudice, consistent with the Magistrate Judge's Recommendation. This court concludes there is no objection to the Recommendation.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED. IT IS FURTHER ORDERED**

that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Order and Recommendation.

IT IS FURTHER ORDERED that light of this court adopting the Magistrate Judge's Recommendation, Plaintiff's request to refile at a later date, (Doc. 7), is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 21st day of February, 2024.


United States District Judge